

TITLE IX: EMPLOYEE



New College
THE HONORS COLLEGE of Florida

PRESENTER: TAYLOR PARKER, JD

Hi, I am Taylor!

- She/her/hers pronouns
- 2014 New College Grad: Psychology and Gender Studies
- 2017 Stetson University College of Law Grad: Juris Doctorate with certificate of concentration in Social Justice Advocacy
- Background working in rape and domestic violence crisis advocacy, higher education law generally, disability and sexual violence
- Position: Title IX Coordinator

LEARNING OBJECTIVES

- What is Title IX?
- What is sexual harassment, gender-based harassment, sexual violence, dating/intimate partner violence, and stalking?
- How can you help prevent sexual harassment and sexual violence?
- What are NCF's policies and procedures?
- How can I report an incident?
- What resources are available?



TITLE IX STATES:

*" No person in the United States shall, on the basis of **sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any **education program or activity** receiving Federal financial assistance."*

Title IX of the Education Amendments of 1972
Implementing Regulations at:
20 U.S.C. § 1681 & 34 C.F.R. Part 106



New College
THE HONORS COLLEGE of Florida

LAWS AND REGULATIONS

- Title IX (1972): Federal law that prohibits sex discrimination in educational institutions.
- The Jeanne Clery Act (1998): Required colleges and universities in the United States to disclose information regarding crime on and around campus.
- Dear Colleague Letter (2017): Provides Office of Civil Rights guidance regarding concerns that arise in sexual violence cases.



LAWS AND REGULATIONS, (CONTINUED)

- VAWA (2013): The Violence Against Women Act, aimed at improving how colleges address sexual violence; imposes obligations to revise policies and practices.
- SaVE Act (2014): Part of VAWA amendments, made changes to the Jeanne Clery Act; requires colleges to report additional sexually violent crimes.



NCF REGULATION 3-4018

- <https://www.ncf.edu/departments/office-of-the-general-counsel/regulations-policies-procedures/>
 - Find this regulation on the Office of the General Counsel website's regulation manual
 - This is the MOST recent version of our policy, the 2017 version is now defunct
- 3-4018 Sexual Discrimination/Harassment defines
 - Sexual discrimination
 - Sexual harassment
 - Sexual misconduct
 - Retaliation
 - Process
 - Rights and responsibilities

NCF'S COMMITMENT

- NCF's policies prohibit sexual harassment and sexual violence of any kind.
- We are committed to promoting a safe and secure academic environment for all members of our campus community.
- All students, faculty, staff, and visitors are expected to maintain a working and learning environment free from harassment and discrimination.
- Sexual harassment, a form of sex discrimination, is illegal under federal, and state laws and will not be tolerated at NCF's.



SCOPE OF COVERAGE

Title IX protects ALL students from sexual harassment:

- Female and Male students.
- Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) students.
- Students WITH and WITHOUT disabilities.
- Students of Different Races and National Origins, including International students.



SEXUAL VIOLENCE ON CAMPUS

IN NUMBERS

- 1 in 5 college women are victims of sexual violence.
- 1 in 7 college men are victims of sexual violence.
- 90% of victims know their perpetrator.
- Crime statistics can be unreliable as many acts of sexual violence go unreported.
- About 68% of sexual assaults are not reported to the police.

MANDATORY REPORTING

- Keep these definitions to follow in mind!
 - Sex discrimination
 - Sexual assault
 - Sexual harassment
 - Intimate partner violence
 - Stalking
- If you believe there is any type of the following sex discrimination, report to Title IX
- As an employee, you are required to make a report.

DISCLOSURES

- Inform as early as possible of reporting responsibilities
- Listen to what they have to say and pay particular attention to who, what when where
- Do not pass judgment
- Do not investigate
- Active listening

WHAT IS SEXUAL HARASSMENT?

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or educational experience;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting that individual; or c.
- c. Unwelcome conduct determined by a reasonable person to be so pervasive, severe, and objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's work or academic performance or limiting participation in College programs by creating an intimidating, hostile, or offensive working or educational environment.



CONSENT

- An understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. The lack of a negative response is not consent. An individual incapacitated by alcohol and/or drugs, whether voluntarily or involuntarily consumed, may not give consent. Effective consent also may not be given by minors or the mentally disabled.

SEXUAL ASSAULT

- A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent



DOMESTIC/INTIMATE PARTNER/DATING VIOLENCE

- Domestic Violence is force or threat that results in injury (physically and/or psychologically);
- The act is committed by a person such as a family member, spouse, or household member;
- It can include a current or former spouse;
- It can include a person which the victim is cohabitating or has cohabitated;
- It can include someone that you are dating or had been dating.

STALKING

- Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's individual safety or the safety of others or suffer substantial emotional distress.



THE ROLE OF ALCOHOL AND DRUGS IN SEXUAL VIOLENCE

- AMNESTY policy
- Being intoxicated **does not** give someone permission to do something without your consent.



TITLE IX REPORTING

TITLE IX @ NCF:

- Investigations must be thorough, reliable and impartial.
- The process must be prompt, effective, and equitable.
- The remedies should end discrimination, prevent recurrence, and remedy effects upon the victim and community.

NFC'S RESPONSIBILITIES

When an individual makes a complaint or when any Employee of the college learns of possible sexual misconduct, the college must immediately:

- INVESTIGATE,
- Take appropriate steps to end the misconduct,
- Eliminate the effects of the misconduct and,
- Prevent the harassment from recurring and.
- Faculty and staff who receive complaints of sexual harassment or sexual violence are **OBLIGATED** to report complaints to the Title IX Coordinator.



CONFIDENTIALITY

- All employees of NCF have a duty to report any incident of sexual harassment to the Title IX Coordinator.
- However, the employee will limit their report to only those individuals with a 'need to know.'
- If you request that your identity remain confidential, the Title IX Coordinator will try to honor that request if possible. Remember that this may limit the effectiveness of the investigation.
- Expectation management: communicate early and prior to disclosure when possible.



RETALIATION

Under Title IX, it is unlawful to retaliate against an individual who has:

- Made a complaint of sexual harassment.
- Participated in the investigation of such a complaint (i.e. testifying as a witness, providing proof, etc.); or
- Opposed conduct that is reasonably believed to violate Title IX.



WHAT ARE ACCOMMODATIONS?

Some examples include:

- Classroom adjustments or changes
- Academic support (tutoring, mentoring, flexible assignment due dates, allowing the student to make up coursework).
- Allowing the student to retake a course and/or withdraw without penalty.
- Escort by campus police.
- Referral to counseling services.
- Protective/no contact orders.

WHERE TO FILE A REPORT

- Maxient
- Report a problem page <https://www.ncf.edu/report-a-problem/>
- Directly with the Title IX Coordinator: schedule a meeting, send an email, schedule a call

RESOURCES

NCF'S RESOURCES

- NON-confidential: Formal report, launch investigatory process, report to:
 - Title IX Office:
 - Taylor Parker tparker@ncf.edu Title IX Coordinator (941) 487-4758
 - “Responsible Employees”
 - Professors, administrators, RAs, All faculty and staff.
 - Ombuds person: ombuds@ncf.edu
 - Campus Police Department- (941) 487-4210
- CONFIDENTIAL RESOURCES:
 - Counseling & Wellness Center (941) 487-4254 email: cwc@ncf.edu
 - Safe Place and Rape Crisis Center: (941) 365-1976 www.sparcc.net



QUESTIONS

